

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
WESTERN WASHINGTON REGION
STATE OF WASHINGTON

JOHN KARPINSKI, CLARK COUNTY NATURAL
RESOURCES COUNCIL and FUTUREWISE,

Petitioners,

v.

CLARK COUNTY,

Respondent,

and

GM CAMAS, LLC.; JOHNSTON DAIRY, et al. and
MACDONALD PROPERTIES; DARYL GERMANN;
CURT GUSTAFSON; T3G, LLC; HINTON
DEVELOPMENT CORPORATION; BUILDING
INDUSTRY ASSOCIATION OF CLARK COUNTY;
CITY OF LA CENTER; AND BIRCHWOOD FARMS,
LLC

Intervenors.

Case No. 07-2-0027

**ORDER FINDING COMPLIANCE
[AREA WB]
AND CLOSING CASE**

The Board conducted a telephonic compliance hearing on August 28, 2014, in which Board members Nina Carter, Margaret Pageler, and William Roehl participated, with Roehl presiding. The petitioners were represented by Tim Trohimovich and Clark County appeared through Christine M. Cook. None of the Intervenors participated.

On March 11, 2014, the Board entered a Final Decision and Order on Remand pursuant to a decision from the Court of Appeals.¹ The court directed the Board to reconsider its decision regarding the County's de-designation of three areas of previously

¹ *Clark County v. W. Wash. Growth Mgmt. Hearings Bd.*, 161 Wn. App. 204, 254 P.3d 862 (2011).

1 designated Agricultural Land of Long Term Commercial Significance (ALLTCS). The Board
2 concluded the Court of Appeals has decided the question of whether two of the areas,
3 Areas VA and VA-2, were characterized by urban growth and reversed its earlier order.

4 The remand decision also directed the Board to consider whether the third area, Area
5 WB, had long-term commercial significance for agricultural production based on the factors
6 set forth in former WAC 365-190-050(1). In its order of March 11, 2014, the Board
7 addressed all of the WAC 365-190-050(1) factors and concluded Area WB continued to
8 meet those tests for designation as ALLTCS. The Board affirmed its prior order so finding,
9 concluding the action of Clark County in de-designating Area WB was clearly erroneous in
10 view of the entire record before the Board and in light of the goals and requirements of
11 chapter 36.70A RCW. The matter was remanded and the County was ordered to come into
12 compliance with the Growth Management Act.
13

14 On July 29, 2014, the County filed a compliance report stating that on July 1, 2014,
15 the Clark County Board of County Commissioners had adopted Ordinance No. 2014-07-03
16 which re-designated Area WB as ALLTCS. The County requested the Board find it in
17 compliance and rescind the order of invalidity. Petitioners concurred with the County's
18 request.²
19
20

21 ORDER

22 Based on the foregoing, the Board determines Clark County has addressed the
23 finding of noncompliance regarding Area WB through adoption of Ordinance No. 2014-07-
24 03. The Board finds and concludes Clark County has achieved compliance and, as a result,
25 the order of invalidity is rescinded. This case is closed.
26
27
28
29
30
31
32

² Petitioners' Concurrence In A Finding of Compliance For Area Washougal "WB", filed August 5, 2014.

1 ENTERED this 4th day of September, 2014.

2
3 _____
4 William Roehl, Presiding Officer

5
6 _____
7 Nina Carter, Board Member

8
9 _____
10 Margaret Pageler, Board Member